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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,909	05/09/2001	Karim Kaddeche	998002 PA6	3960
7590	10/30/2003		EXAMINER	
Philip K. Yu Registered Patent Attorney 20955 Pathfinder Road, Ste. 160 Diamond Bar, CA 91765			JANVIER, JEAN D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/851,909	KADDDECHE ET AL 
	Examiner	Art Unit
	Jean D Janvier	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 May 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 4-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 4-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-13 are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I.     Claims 1-3 drawn to a system or bidding system for displaying advertising messages to a qualified user, over the Internet, whose profile matches an advertiser's criteria and classified in 705/14, 705/26 and 705/37.
  
- II.    Claims 4-13 drawn to a system or bidding system for displaying advertising messages to a qualified user, over a wireless network, if a subset of the user's profile (variables or attributes) matches an advertiser's defined attributes and wherein a reservation is made for the advertiser to display his advertising messages to the user based on this matching subset and classified in 705/14, 705/26, 705/37 and 455/419.

There are no linking claims present.

(Combination and Subcombination presented in a single Application, but not useable together).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed invention for prosecution on the merits to which the claims shall be restricted. **Applicant has indeed elected over the phone to have Invention I examined.**

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## **DETAILED ACTION**

### ***Specification***

The title of the invention, under 37 CFR 1.72, should be descriptive, brief and technically accurate.

### **Status of the claims**

Claims 1-13 were originally presented. After a restriction requirement, Applicant elected without traverse claims 4-13.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanson et al. (hereinafter Hanson), US Patent 5,974,398A.

As per claim 4, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria and the highest bid, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including location) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge (See abstract; figs

1-3 and 6-15; col. 1:38 to col. 2: 10; col. 3: 5-12; col. 4: 54-60; col. 12: 5 to col. 14: 40; col. 11: 17-24; See claims 1 and 7 of the current reference).

As per claims 5-8 and 10-12, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria and the highest bid, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including location) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 (Internet access provider) and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge. Furthermore, an interesting advertiser using workstation 120 can communicate to the online service platform 100 a set of defined user attributes, characteristics and weights applied to such attributes, wherein these characteristics,

attributes or variables and weights are used by the advertiser to develop appropriate bids for the right to display his advertising messages to a particular user having a particular profile or characteristics and attributes (income, residence, gender, etc.) in accordance with a weight or scale given to specific subset or specific parameters or attributes from the user's profile, such as ages of viewing or participating users, matching the advertiser's predefined attributes from the advertiser's specifications (filtering a subset of the profile information based on predetermined criteria) (See abstract; figs 1-3 and 6-15; col. 1:38 to col. 2: 10; col. 3: 5-12; col. 3: 50-56; col. 4: 54-60; col. 5: 64 to col. 6: 5; col. 9: 18-23; col. 10: 32-39; col. 12: 5 to col. 14: 40; See claims 1 and 7 of the current reference).

In addition, the user's activity is monitored, tracked and maintained in the active user and advertiser buffer 732 (col. 9: 45-51). Information regarding the number of times a particular advertisement is viewed by a user and at what times and whether the advertisement was previously viewed is stored in advertiser offers database 106 (col. 5: 12-16). Further, usage session history database 118 stores a user's prior online session usage, wherein the online service provider uses such information to track a particular session (col. 4: 61 to col. 5: 2). Finally, it is herein to be understood that the user's activity collected from the tracking or monitoring process is used to update the user's profile, thereby allowing the online service to determine whether an advertisement has already been seen by the user and, in the affirmative, either exclude it from further consideration or offer it at a reduced rate to the user on behalf of the advertiser, who received the user's name or identity, depending on the advertiser's wishes (col. 11: 17-24; fig. 13).

As per claims 9 and 13, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria and the highest bid, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including location) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge. Furthermore, an interesting advertiser using workstation 120 can communicate to the online service platform 100 a set of defined user attributes, characteristics and weights applied to such attributes, wherein these characteristics, attributes or variables and weights are used by the advertiser to develop appropriate bids for the right to display his advertising messages to a particular user having a particular profile or characteristics and attributes (income,

residence, gender, etc.) in accordance with a weight or scale given to specific subset or specific parameters or attributes from the user's profile, such as ages of viewing or participating users, matching the advertiser's predefined attributes from the advertiser's specifications (filtering a subset of the profile information based on predetermined criteria) (See abstract; figs 1-3 and 6-15; col. 1:38 to col. 2: 10; col. 3: 5-12; col. 3: 50-56; col. 4: 54-60; col. 5: 64 to col. 6: 5; col. 9: 18-23; col. 10: 32-39; col. 12: 5 to col. 14: 40; See claims 1 and 7 of the current reference).

It is herein understood that when certain attributes from the user's profile match an advertiser's defined variables or characteristics and the bid value offered is acceptable, the advertiser receives the identify of the targeted user and earns the right to display at least one advertising message to the user, who may choose to view the advertising message immediately or in the future (reserving the right to present an ad to a qualified user) (col. 8: 39-41; col. 10: 40-52; col. 11: 17-24; col. 13: 1-3; figs. 11 and 13). In other words, without any prior commitment or reservation, the user's profile (or a subset of his profile) is made available to bidders or advertisers, who want to obtain the right to display their advertising messages to the user or individual if a match is found.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,794,210 to Goldhaber discloses, among other things, a system for paying a customer for viewing an ad on the Internet wherein the customer is specifically

targeted using profile information provided by the customer and wherein advertisers can bid for the right to display their advertising messages to the customer.

**WO 98/34189 A1** to Roth discloses a system for displaying an ad to a customer on the Internet wherein the customer is specifically targeted using profile information provided by the customer and wherein advertisers can bid for the right to display their advertising messages to the customer.

US Patent 6,324,519 to Elderly discloses an advertising auction system.

US Patent 5, 724,521 to Dedrick discloses a system for displaying an ad to a customer on the Internet wherein the customer is specifically targeted using profile information provided by the customer and wherein advertisers pay for the right to display their advertising messages to the customer based on a best-fit profile matching.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):  
After Final- 703-872-9327

Art Unit: 3622

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

JDJ

10/28/03



Jean D. Janvier

Patent Examiner  
Art Unit 3622